

COUNCIL MINUTES TIGARD CITY COUNCIL MEETING December 16, 2003

The meeting was called to order at 6:28 p.m. by Mayor Pro Tem Dirksen.

- STUDY SESSION

- > ADMINISTRATIVE ITEMS

- City Manager Monahan detailed revisions to the agenda.
- Mr. Monahan noted two members of the Library Board would testify on the visitor's agenda regarding the board's support of the library policies to be considered on the consent agenda.
- Mr. Monahan asked the Council what it would like to do with two pieces of written testimony on Bull Mountain annexation received after the noon, December 11, 2003 deadline. Councilor Moore asserted the Council should not make exceptions to the deadline. After brief discussion, Council consensus was they may read and consider the testimony, but it would not become part of the record.

- > QUARTERLY MEETING – BUDGET COMMITTEE

Budget Committee members in attendance: Forrest Nabors, Mayor Pro Tem Dirksen, Councilors Moore, Sherwood and Wilson, and Mark Mahon (alternate).

Finance Director Prosser stated the city was beginning its internal budget process. He presented three bar graph displays, depicting various budget scenarios.

The initial graph, from the end of the budget process last year, shows the city shortfall at \$1.2 million in FY 2007-08.

The second graph, an "unedited" forecast of what city departments are requesting over the next five years, shows a city shortfall of \$3 million in FY 2006-07. The earlier and more drastic shortfall stems from a request for 39 additional staff positions; 26 of which are requested in FY 2004-05.

The final graph, an "edited" forecast, shows a city shortfall of \$1 million in 2007-08. In this version, most of the new positions requested in the second graph were eliminated. Only a few of the positions requested in graph two

remain, and the majority of these are tied to staffing the new library. Budget cuts made this year, primarily related to training, were not restored. All departments feel their training budgets are not adequate. Potential revenues from the Bull Mountain annexation were not factored into the graphs.

Mr. Prosser described the highlights of two handouts entitled "Budget Strategies/Guidelines" and "City of Tigard FY 2004-05 Budget Calendar."

Mr. Prosser asked the Council how they would like to approach advertising of social service and community sponsored events funding. In the past, the Budget Committee set a target of .5% of the operating budget allocated to such grants. This formula would result in \$135,600 this year. Last year's total was \$134,700, with actual funding at about \$125,000. The advertising approach selected should take into account the level of available funding.

The criteria and guidelines for awarding the grants were discussed briefly. It was noted the grant funds come directly from the city's general fund.

Councilor Moore suggested the committee go through the process of seeking applicants, but said the committee would not make promises about the availability of funds. Mayor Pro Tem Dirksen said he didn't think the city needed to seek out new applicants, and Councilor Moore agreed. Based upon the committee's discussion, Mr. Prosser asked if the committee wished to advertise the grant application process to those organizations and groups that had applied for funds in the past, even if they were not funded. Mr. Mahon expressed his support of this approach. By not soliciting applications from a broader audience, Mr. Mahon stated this approach would be less likely to create false expectations about the availability of grant funds.

It was decided the representative on the grant review subcommittee would be discussed when the Council reviews the liaison list later in the meeting. Mr. Nabors agreed to be the serve in Mr. Woodruff's place on the subcommittee, should Mr. Woodruff be unable to serve.

Mr. Prosser reviewed the Budget Committee meeting calendar and timelines for the 2004-05 budget. He noted the committee may need to have an additional meeting on May 24, 2004 should the WCCLS levy fail.

> **PARK RESERVATION UPDATE – INITIATING AN ON-LINE PARKS RESERVATION SERVICE**

Assistant Public Works Director Koellermeier and Parks Manager Plaza asked for Council direction on implementing an online parks reservation system. Mr. Plaza presented a PowerPoint presentation which is on file in the City Recorder's office.

Council consensus was to proceed with the online park reservation system and the Council raised no objections to offering a five dollar discount to those using the reservation system in the first year.

> **ADMINISTRATIVE ITEMS**

- Documents relating to the Bull Mountain annexation were discussed:
 - City Attorney Ramis summarized the December 12, 2003 memos from his office regarding Tigard/Bull Mountain and Urban Service Provider Annexation.
 - A "Resolution of Intent" was distributed and discussed for possible consideration at tonight's meeting.
 - The memo regarding possible White Paper Task Forces was discussed. Sample task force areas of focus included in the memo were streets, parks and sheriff/police services. City Manager Monahan suggested other possible task forces might concentrate on:
 - comprehensive planning
 - water facilities and the future of the Tigard Water District
 - streetlights
 - a comparison of city and county services

Councilor Wilson asked what the goal of having task forces prepare white papers would be. He expressed concern this approach may lead participants to believe task force recommendations will be incorporated into the plan. Mr. Monahan stated the intent of creating the task forces was to generate a more realistic assessment of what will happen, not to modify the annexation plan. Councilor Wilson added he didn't want to be restricted to only addressing Bull Mountain issues and miss an opportunity to work on citywide problems.

Mayor Pro Tem Dirksen distributed the proposed motions.

- Mr. Monahan proposed the discussion of Council Vacancy Option Review be addressed after the business meeting is concluded.
- Community Development Director Hendryx updated the Council on an issue with Bretton Woods. A demolition permit was issued to the developer. The connection between the demolition permit and the subdivision was not identified and the developer performed the demolition without proper erosion control and tree protection. A "stop work order"

was issued on the site. There was concern about contaminants on the site and the developer was authorized to remove an oil tank, pump water from the foundation and remediate contaminated soil, with the condition that full fencing and a tree preservation plan was in place for the disturbed area. The plan was reviewed by the City Arborist.

No further action will occur on the site until the developer's arborist submits a detailed report on the damage to the existing trees. The City Arborist will review this report and the situation will be reevaluated. A penalty may be imposed.

- Mr. Monahan proposed the discussion about the Urban Renewal Workshop be addressed after the business meeting is concluded.
- Mr. Monahan noted Mayor Pro Tem Dirksen is scheduled to attend the coffee talk on December 18, 2003, but has a conflict. Councilor Sherwood offered to attend, and Councilor Wilson will be her back-up if she is unable to attend. The status of future coffee talks will be considered at a later time.
- EXECUTIVE SESSION: No executive session was held.

Council meeting recessed at 7:25

Council business meeting convened at 7:32 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Pro Tem Dirksen called the meeting to order.
- 1.2 Roll Call: Mayor Pro Tem Dirksen, Councilors Moore, Sherwood and Wilson
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items
City Manager Monahan noted there was a revised agenda with the following:
 - Addition of Planning Commission Appointments
 - Addition of Tree Board Appointments

- > Mayor Pro Tem Dirksen issued a proclamation and recognized the Tigard High School Football Team as 2003 State Champions

2. VISITOR'S AGENDA

- Suzan Turley and Jan Thenell from the Library Board stated the library policies the Council would consider under agenda item 3.4 had been carefully reviewed by the board and the city attorney's office.

3. **CONSENT AGENDA:** Motion by Councilor Sherwood, seconded by Councilor Moore, to adopt the Consent Agenda as follows:

- 3.1 Approve Council Meeting Minutes: November 19, 2003
- 3.2 Approve the Dedication of a Portion of Right-of-Way Along Hall Boulevard to the Oregon Department of Transportation
- 3.3 Local Contract Review Board:
 - a. Approve Changes to the Pavement Major Maintenance Program Contract with S-2 Contractors Inc.
 - b. Approve Amendment to the Hall Boulevard/Wall Street Intersection Project Contract with DeHaas & Associates and Authorize Additional Amendments
- 3.4 Approve Proposed Library Policies and Procedures

The motion was approved by a unanimous vote:

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

4. **CONTINUATION OF PUBLIC HEARING (LEGISLATIVE) – BULL MOUNTAIN ANNEXATION PLAN (ZONE CHANGE ANNEXATION [ZCA] 2003-00003/ZONE CHANGE ANNEXATION [ZCA] 2003-00004/ZONE CHANGE ANNEXATION [ZCA] 2003-00005/ZONE CHANGE ANNEXATION [ZCA] 2003-00006)**

ZONE CHANGE ANNEXATION (ZCA) 2003-00003, 2003-00004, 2003-00005, 2003-00006 BULL MOUNTAIN ANNEXATION PLAN

REQUEST: The City of Tigard is proposing to annex 1,378 acres of Washington County known as Bull Mountain through the annexation plan process. State law allows the City to annex territory within an urban growth boundary (UGB) pursuant to a detailed annexation plan, subject to voter approval. If the Tigard City Council approves the annexation proposal, it would set a date for the proposal to be placed on the ballot. **LOCATION:** The unincorporated area is within the UGB. It is generally bounded on the north by Barrows Road, on the east by Tigard City limits, on the south by Beef Bend Road, and on the west partially by 150th Avenue and near Roy

Rogers Road. For specific boundary, see vicinity map. **ZONE:** The area includes R-4.5 (Low-Density Residential District; minimum lot size 7,500 square feet), R-7 (Medium-Density Residential District; minimum lot size 5,000 square feet), R-12 (Medium-Density Residential District; minimum lot size 3,050 square feet) and R-25 (Medium High-Density Residential District; minimum lot size 1,480 square feet). **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are set out in Community Development Code Chapter 18.320 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapters 195.205 and 222; and Metro Code Chapter 3.09.

- a. Continue Public Hearing from December 2, 2003
- b. Staff Report – presented on December 2, 2003
- c. Public Testimony - concluded on December 2, 2003
- d. Staff Recommendation
- e. Council Discussion

Mayor Pro Tem Dirksen noted oral testimony had been concluded on December 2, 2003. Written testimony was accepted through noon on December 11, 2003, and had been received and reviewed by the Council.

Councilor Moore commented it was apparent more homework needed to be done and additional information and input gathered. He proposed taking no action on the annexation plan.

Councilor Wilson concurred, adding there were still concerns to be addressed and he supported delaying a decision pending more information.

Councilor Sherwood also supported taking no action.

Motion by Mayor Pro Tem Dirksen, seconded by Councilor Moore, to take no action on the annexation plan as proposed, with the intent to revisit the issue after July 1, 2004, upon potential revision or addition to the annexation plan.

The motion was approved by unanimous vote:

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Motion by Mayor Pro Tem Dirksen, seconded by Councilor Moore, to direct staff to form subcommittees, with this Council as the overall committee, for

the purpose of considering several issues surrounding the annexation plan, to include but not be limited to:

- Parks
- Police
- Library
- Planning
- Capital Improvements
- Street Maintenance

The subcommittees will each consist of at least one member each from:

1. the appropriate department staff from the City of Tigard
2. their appropriate counterpart from Washington County
3. at least an equal number of private citizens to be chosen from those who are active in CPO4B or CPO4M, with at least one member each from the area of annexation and from the city limits of Tigard.

Each subcommittee is to be charged with considering their assigned issue and producing a white paper of recommendations to be attached to the annexation plan; that white paper to be completed and submitted to this Council on or before June 30, 2004. The Council would then review, make changes if necessary, and approve as an appendix to the annexation plan.

Discussion

Councilor Wilson clarified the subcommittees would gather information, but it was the Council's job to evaluate the information presented in the white papers and then prepare a final recommendation.

The motion was approved by unanimous vote:

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Community Development Director Hendryx advised Council of the timeline for placing the ballot measure on the November 2004 ballot. This will impact the amount of time the Council has to review the white papers.

Mayor Pro Tem Dirksen concluded this item.

5. CONTINUATION OF PUBLIC HEARING ON A BALLOT MEASURE FOR THE MARCH 9, 2004 ELECTION FOR A MEASURE EXPANDING THE TIGARD CITY LIMITS BY PHASED ANNEXATION

- a. Continue Public Hearing from December 2, 2003
- b. Staff Report - presented on December 2, 2003 (combined with the Annexation Plan Public Hearing)
- c. Public Testimony - concluded on December 2, 2003
- d. Staff Recommendation
- e. Council Discussion

Motion by Councilor Moore, seconded by Councilor Wilson, to not take action on the resolution placing the annexation plan on the March 9, 2004 ballot.

The motion was approved by unanimous vote:

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Motion by Mayor Pro Tem Dirksen, seconded by Councilor Wilson, to pass a Resolution of Intent, stating that the city is committed to placing the Bull Mountain Annexation Plan on the November 2, 2004 ballot, pending the completion of the tasks discussed earlier.

Mayor Pro Tem Dirksen added this would put the city in compliance with a county resolution, so park System Development Charges could be collected.

Mayor Pro Tem Dirksen read the Resolution of Intent, Resolution No. 03-66, A RESOLUTION DIRECTING STAFF TO HOLD A PUBLIC HEARING IN JULY, 2004 ON THE BULL MOUNTAIN ANNEXATION PLAN AND PLACE THE BALLOT MEASURE BEFORE THE ELECTORATE IN NOVEMBER, 2004 .

The resolution was approved by unanimous vote:

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Mayor Pro Tem Dirksen concluded this item.

6. PUBLIC HEARING (QUASI-JUDICIAL) – PUBLIC RIGHT-OF-WAY STREET VACATION FOR 74th AVENUE AT LANDAU STREET (VAC 2003-00001)

The Tigard City Council considered the proposed vacation involving 3,241 square feet of public right-of-way that lies to the northwest of the SW 74th Avenue/Landau Street intersection.

The reason for the vacation request is the Tigard Transportation System Plan indicates that SW 74th Avenue is to meet SW Landau Street at a 90 degree angle. To facilitate the realignment of SW 74th Avenue, the applicant has secured a right-of-way dedication agreement with the adjacent property owners to the east.

With the successful vacation of the requested right-of-way, the subject square footage would be incorporated into the proposed parcels of the recently submitted Weigela Terrace Subdivision; however, the proposed lots of the subdivision can meet minimum standards for the R-4.5 zoning and do not need the square footage that would be added to those lots upon approval of the requested vacation.

The request was filed with the City on July 11, 2003 and initiated by the City Council at the request of the applicant on October 28, 2003.

Community Development Director Hendryx presented the staff report and relayed that staff recommended approving the vacation.

a. Open the Public Hearing
Mayor Pro Tem Dirksen opened the public hearing.

b. Declarations or Challenges
Mayor Pro Tem Dirksen read the following:

Do any members of Council wish to report any ex-parte contact or information gained outside the hearing including any site visits?

Councilor Moore advised he was familiar with the intersection.

Have all members familiarized themselves with the application?
All members indicated they were familiar with the application.

Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?

There were no challenges.

c. Public Testimony

Mayor Pro Tem Dirksen read the following:

For all those wishing to testify, please be aware that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals on this issue. Testimony and evidence must be directed toward the criteria described by staff or other criteria in the plan or land use regulation which you believe apply to the decision.

There was no public testimony.

- d. Council Questions
There was no discussion.

- e. Close Public Hearing
Mayor Pro Tem Dirksen closed the public hearing.

- f. Council Consideration:
Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Ordinance No. 03-11.

Ordinance No. 03 - 11, AN ORDINANCE CONCERNING THE VACATION OF AN APPROXIMATELY 3,241 SQUARE FOOT PORTION OF PUBLIC RIGHT-OF-WAY BETTER KNOWN AS SW 74TH AVENUE WHICH LIES AT THE NORTHWEST CORNER OF SW 74TH AVENUE AND LANDAU STREET, IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON, (VAC2003-00001).

The ordinance was approved by unanimous vote:

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

7. CONSIDER AN AGREEMENT GRANTING THE CITY MEMBERSHIP ON THE JOINT WATER COMMISSION (JWC)

- a. Staff Report
Public Works Director Wegner and Assistant Public Works Director Koellermeier provided background information on this item. Mr. Koellermeier relayed King City, Durham and the Tigard Water Board all endorsed membership on the commission. Mr. Koellermeier explained the city would be

leasing water from another jurisdiction with water rights. Actual water rights may come in the future. The commission is not asking for a membership fee, and the cost of the water purchased will be less than the city is currently paying to the City of Portland. If the agreement is approved by the Council and subsequently the JWC, the city should be able to participate in the JWC's April meeting.

b. Council Discussion

Councilor Moore added the agreement brings the city one step closer to owning a water source. Mr. Wegner advised signing this agreement did not prevent the city from pursuing other options.

c. Motion by Councilor Moore, seconded by Councilor Sherwood, to authorize the Mayor Pro Tem to sign the agreement granting the city membership to the Joint Water Commission.

Mr. Wegner interjected that the exact wording of the agreement may be changed and asked the Council to grant the Mayor Pro Tem the authority to sign the agreement after it is finalized. City Attorney Ramis added if any of the changes were substantial, the agreement would be brought back to the Council.

Amended motion by Councilor Moore, seconded by Councilor Sherwood, to authorize the Mayor Pro Tem to sign the agreement after final changes are made.

The motion was approved by unanimous vote:

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

15. NON-AGENDA items were considered at this time (out of sequence on the Agenda; Item No. 8 was considered after this item).

Mayor Pro Tem Dirksen summarized and read the resolution appointing members to the Planning Commission.

Council Consideration:

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 03-67.

Resolution 03-67, A RESOLUTION OF THE TIGARD CITY COUNCIL REAPPOINTING MARK PADGETT, AND APPOINTING REX CAFFALL TO THE PLANNING COMMISSION AND APPOINTING KATHERINE MEADS AS THE ALTERNATE TO THE PLANNING COMMISSION.

The resolution was approved by unanimous vote:

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Appointee Mark Padgett expressed his appreciation at being reappointed to the Planning Commission. He inquired whether the Planning Commission's alternate member was eligible to serve as a liaison for the commission. City Attorney Ramis said he would look into the matter. City Manager Monahan added the requirements of the committee upon which the liaison is to serve may specifically require a Planning Commission member.

Councilor Moore acknowledged Mr. Padgett for his past leadership on the Planning Commission.

Mayor Pro Tem Dirksen summarized the resolution appointing members to the Tree Board.

Council Consideration:

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 03-68.

Resolution 03-68, A RESOLUTION OF THE TIGARD CITY COUNCIL APPOINTING ROBERT CANCELOSI TO THE TREE BOARD AND APPOINTING JIM BRAY AS FIRST ALTERNATE AND COLIN PENNO AS SECOND ALTERNATE TO THE TREE BOARD.

The resolution was approved by unanimous vote:

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

8. CONSIDER APPROVAL OF THE PROPOSED CITY OF TIGARD/TRIMET
MEMORANDUM OF UNDERSTANDING (MOU)

a. Staff Report

Community Development Director Hendryx provided background information on this item. He stated the MOU lays the foundation for further work with TriMet and identifies TriMet and city responsibilities in developing a cooperative agreement regarding expectations about service delivery and improvements.

b. Council Discussion

Councilor Moore stated the Council had been working to improve mass transit within the city for a long time and he was excited to see progress on this issue. Councilor Wilson asserted the agreement was "wimpy." He continued by saying that at a recent meeting, Mr. Hansen, TriMet General Manager, had not been completely forthright about federal problems with the commuter rail project. Councilor Wilson said TriMet's interest seems to focus on large capital projects, not bus service. He was expecting a stronger commitment than was documented in the agreement. Councilor Moore agreed with Councilor Wilson's assessment, but suggested the city should approve the agreement because it would be a step in the right direction.

There was a brief discussion about rejecting the MOU.

Mayor Pro Tem Dirksen commented the addition of the Local Area Plan lends some strength to the agreement. He stated the MOU represented an improvement in the city's relationship with TriMet. Councilor Sherwood concurred.

- c. Motion by Councilor Moore, seconded by Councilor Sherwood, to approve the City of Tigard/TriMet Memorandum of Understanding and authorize the Mayor Pro Tem to sign it.

The motion passed by a majority vote (one abstention):

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Abstained

9. PUBLIC HEARING TO CONSIDER ACCEPTING THE 2003 LOCAL LAW ENFORCEMENT BLOCK GRANT AND APPROVING THE SPENDING OF FUNDS

- a. Open Public Hearing
Mayor Pro Tem Dirksen opened the public hearing.
- b. Summation by Police Staff
Police Chief Dickinson described the procedure required to qualify for these federal grant funds and explained how the money would be spent.

Councilor Sherwood left the meeting.

There was a brief discussion with the City Attorney and City Manager on whether and how to proceed in Councilor Sherwood's absence. The Council decided to continue.

- c. Public Testimony
There was no public testimony.

Councilor Sherwood returned to the meeting.

- d. Staff Recommendation
Police Chief Dickinson recommended accepting the grant and authorizing the spending of funds.
- e. Motion by Councilor Moore to accept the grant and approve the spending of funds.
- f. Close Public Hearing
Mayor Pro Tem Dirksen closed the public hearing.

Councilor Wilson seconded Councilor Moore's motion.

The motion was approved by unanimous vote:

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

10. CONSIDER A RESOLUTION APPROVING BUDGET AMENDMENT #12 TO THE FISCAL YEAR 2003-2004 BUDGET TO ACCEPT AND EXPEND LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS

a. Staff Report

Police Chief Dickinson stated this budget amendment would make the adjustment necessary to allow the city to accept the grant funds approved in item #9 and go forward with expenditures.

b. Council Discussion

There was no discussion.

c. Council Consideration:

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 03-69.

Resolution No. 03 – 69, A RESOLUTION APPROVING BUDGET AMENDMENT #12 TO THE FY 2003-04 BUDGET TO ACCEPT AND EXPEND LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS

The resolution was approved by unanimous vote:

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

11. CONSIDER AN ORDINANCE AMENDING CHAPTER 11.08 OF THE TIGARD MUNICIPAL CODE PERTAINING TO BURGLARY AND ROBBERY ALARM SYSTEMS

a. Staff Report

Police Chief Dickinson described some of the proposed changes to the code.

b. Council Discussion

There was no discussion.

c. Council Consideration:

Motion by Councilor Wilson, seconded by Councilor Moore, to adopt Ordinance No. 03-12.

Ordinance No. 03-12, AN ORDINANCE OF THE CITY OF TIGARD, OREGON, AMENDING CHAPTER 11.08 OF THE TIGARD MUNICIPAL CODE TO REDUCE THE NUMBER OF FALSE REPORTS ALLOWED FROM BURGLARY OR ROBBERY ALARMS WITHOUT CORRECTIVE ACTION AND PENALTY.

The ordinance was approved by unanimous vote:

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

12. CONSIDER AN ORDINANCE AMENDING CHAPTER 10.36 OF THE TIGARD MUNICIPAL CODE PERTAINING TO BICYCLES AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

a. Staff Report

Police Chief Dickinson described some of the proposed changes to the code. The proposed amendments result from changes in the Oregon Revised Statutes relating to electric personal assistive mobility devices.

b. Council Discussion

There was no discussion.

c. Council Consideration:

Motion by Councilor Wilson, seconded by Councilor Moore, to adopt Ordinance No. 03-13.

Ordinance No. 03-13, AN ORDINANCE AMENDING TMC 10.36 BICYCLES.

The ordinance was approved by unanimous vote:

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

13. CONSIDER ACCEPTING THE DEDICATION OF APPROXIMATELY 2.93 ACRES OF PROPERTY BY FANNO POINTE, L.L.C. FOR USE AS OPEN SPACE OR GREENWAY

a. Staff Report

Parks Manager Dan Plaza introduced this item. Fanno Pointe, L.L.C. has offered to dedicate a portion of its property, not eligible for development, to be used as greenway or open space. Mr. Plaza explained the approximately three acre parcel lies to the south of the new library site and will enable the extension of Fanno Creek trail. At the request of the city, Fanno Pointe has agreed to spray the site for noxious weeds.

b. Council Discussion

City Manager Monahan noted acceptance of the property would impact the library's access drive and the future overflow parking lot. Mayor Pro Tem Dirksen commented it was "good news" for the city to receive a piece of property that compliments the city's existing plans.

c. Motion by Councilor Sherwood, seconded by Councilor Moore, to accept the dedication of approximately 2.9 acres of property by Fanno Pointe, L.L.C.

The motion was approved by unanimous vote:

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

14. COUNCIL LIAISON REPORTS: None.

15. NON AGENDA ITEMS: See above; considered between Item Nos. 7 and 8.

16. EXECUTIVE SESSION: No executive session was held.

Council business meeting recessed at 8:43 p.m.

Council meeting resumed at 8:48 p.m.

- STUDY SESSION continued

- > ADMINISTRATIVE ITEMS continued

- Councilor Sherwood reported an Affordable Housing Symposium would take place on January 29, 2004. The symposium is through the Vision Action Network, and Councilor Sherwood encouraged a city representative to attend.
- Mayor Pro Tem Dirksen and Community Development Director Hendryx informed the Council of an Urban Renewal workshop slated for January 21, 2004, from 7 to 9 p.m. at the Beaverton Library. Washington County and cities along the commuter rail route will be considering methods to create urban renewal opportunities along the corridor. The downtown urban renewal project was discussed in light of the county effort.

- > COUNCIL VACANCY OPTION REVIEW

The Council, City Manager Monahan and City Attorney Ramis discussed various options to fill the vacancy created by Mayor Jim Griffith's death. General consensus was to give Mayor Pro Tem Dirksen time to decide if he would be willing to serve as Interim Mayor through December, 2004. A mayoral election would be held in November, 2004, and the person chosen in the election would begin serving Mayor Griffith's remaining term in January, 2005. Mayor Pro Tem Dirksen would be required to resign from his position as Councilor, should he accept an appointment as Interim Mayor. The Council also talked about the selection process and appointment of a new Councilor. The ramifications of three Council vacancies on the November, 2004 ballot were discussed. The Council chose to continue its discussion of this matter at its January 13, 2004 meeting. The Council will also need to appoint a new Council President at that meeting.

The Council discussed liaison appointments. The following is a list of changes/updates to the list.

Committee Name:	Assigned To:
Budget Subcommittee	Open
Community Development Block Grant Policy Advisory Board	Sydney Sherwood

Mayor's Appointment Advisory Committee	Mayor Pro Tem Dirksen and Brian Moore (thru 2003). Sydney Sherwood will replace Brian Moore for 2004.
Metro Technical Advisory Committee	Brian Moore will attend if staff determines there is a critical issue. Otherwise staff will attend.
Metro Policy Advisory Board	Mayor was appointed as an alternate. City Manager Monahan will solicit other cities to consider filling the position with another Tigard Councilor. Nick Wilson volunteered to serve if appointed.
Tigard Chamber of Commerce	Mr. Monahan noted Public Works Director Wegner was serving as the city's representative for 2003.
Washington County Coordinating Committee	Nick Wilson
Mayor's Meeting of City and Elected Officials	Mr. Monahan will see if another city would be willing to take this over.
Tualatin Basin Natural Resource Coordinating Committee	Nick Wilson
Blue Ribbon Task Force	Council requests a letter be sent to members temporarily postponing meetings.
Youth Forum	Council directed the forum continue.

Mayor Pro Tem Dirksen proposed a representative from the Youth Advisory Council serve as an ex-officio member on the City Council. Mr. Monahan stated such a proposal was evolving from within the youth council.

> ADMINISTRATIVE ITEMS continued

- City Manager Monahan distributed a handout from the city's web page on the Skatepark Task Force. The article mentions "considering a name for the park." Mr. Monahan suggested the Council meet with Mr. Carlson and the task force in January to discuss when the property might be available and

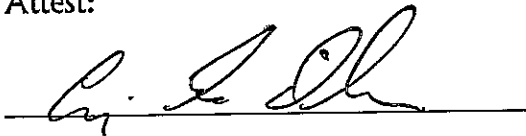
to confirm previous commitments and responsibilities related to the park. The Council may be asked to solicit donations for the skatepark fund. Mayor Pro Tem Dirksen noted he had learned about less expensive materials used in skatepark construction at a recent conference. Councilor Sherwood added something needed to be done to get people energized about the park.

The meeting adjourned at 9:58 p.m.



Greer A. Gaston, Deputy City Recorder

Attest:



Mayor

Date: 1.13.04

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